

## **BILL ANALYSIS**

C.S.H.B. 1648  
By: Raymond  
Human Services  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

Interested parties contend that current law does not adequately provide for the confidentiality of photographs, videotape, audiotape, and other audio or visual depictions or recordings of a child made by the Department of Family and Protective Services in the course of an inspection or investigation of certain facilities and programs. Given the sensitive nature of the circumstances that led to the visual or audio recordings of these children, many of whom have been physically or emotionally abused, C.S.H.B. 1648 seeks to exempt these types of recordings from release under public information laws.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that rulemaking authority is expressly granted to the executive commissioner of the Health and Human Services Commission in SECTION 1 of this bill.

### **ANALYSIS**

C.S.H.B. 1648 amends the Human Resources Code to establish that a photograph, videotape, audiotape, or other audio or visual recording, depiction, or documentation of a child that is made by the Department of Family and Protective Services in the course of an authorized inspection or investigation of certain child-care facilities and programs is confidential and is not subject to release under state public information law. The bill authorizes the release of such information only as required by state or federal law or rules adopted by the executive commissioner of the Health and Human Services Commission.

### **EFFECTIVE DATE**

September 1, 2013.

### **COMPARISON OF ORIGINAL AND SUBSTITUTE**

While C.S.H.B. 1648 may differ from the original in minor or nonsubstantive ways, the following comparison is organized and highlighted in a manner that indicates the substantial differences between the introduced and committee substitute versions of the bill.

#### **INTRODUCED**

SECTION 1. Subchapter A, Chapter 42, Human Resources Code, is amended by adding Section 42.004 to read as follows:

Sec. 42.004. CONFIDENTIALITY OF INVESTIGATION INFORMATION. A photograph, videotape, audiotape, or other audio or visual recording, depiction, or

#### **HOUSE COMMITTEE SUBSTITUTE**

SECTION 1. Subchapter A, Chapter 42, Human Resources Code, is amended by adding Section 42.004 to read as follows:

Sec. 42.004. CONFIDENTIALITY OF INVESTIGATION INFORMATION. A photograph, videotape, audiotape, or other audio or visual recording, depiction, or

documentation of a child that is made by the department in the course of an inspection authorized by this chapter is confidential, is not subject to release under Chapter 552, Government Code, and may be released only as required by state or federal law or rules adopted by the executive commissioner.

SECTION 2. This Act takes effect September 1, 2013.

documentation of a child that is made by the department in the course of an inspection or investigation authorized by this chapter or Section 261.401, Family Code, is confidential, is not subject to release under Chapter 552, Government Code, and may be released only as required by state or federal law or rules adopted by the executive commissioner.

SECTION 2. Same as introduced version.